

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Before the court is Defendant's Ex Parte Motion for Continuation of Discovery Dates (Dkt. #16) which was initially filed *ex parte* and therefore under seal. The court entered a minute order directing the clerk to unseal and serve the document on the fifth day following entry of the order. The motion requests a ninety-day extension of the court's Discovery Plan and Scheduling order deadlines. Counsel for Plaintiff received leave of court to withdraw as counsel of record. The Plaintiff was given until October 7, 2010 to retain new counsel or file a statement indicating she intended to appear *pro se*. When she did not do so, the court entered an Order to Show Cause (Dkt. #17) requiring her to show cause why sanctions should not be imposed for her failure to comply with the court's order. Defendant requests a ninety-day extension of the Discovery Plan and Scheduling Order deadlines because little discovery has been completed to date, and defense counsel has had no communication from the Plaintiff or anyone claiming to represent her.

The court's Order to Show Cause (Dkt. #17) gave the Plaintiff until December 8, 2010 to show cause why sanctions should not be imposed for her failure to either retain substitute counsel or file a notice that she will appear *pro se*. The Order to Show Cause warned the Plaintiff that, failure to comply with the order would result in a recommendation to the district judge that her Complaint be dismissed for failure to prosecute and failure to comply with the court's orders. Given the procedural posture of

1 this case, the court will deny the Defendant's request without prejudice. If Plaintiff responds to the
2 Order to Show Cause, the court will set the matter for hearing and adjust the Discovery Plan and
3 Scheduling Order Deadlines.

4 **IT IS ORDERED:**

5 1. Defendant's Motion for Continuation of Discovery Dates (Dkt. #16) is **DENIED**
6 **without prejudice.**

7 2. In the event Plaintiff responds to the court's Order to Show Cause (Dkt. #17), the court
8 will set this matter for a status conference and adjust the Discovery Plan and Scheduling
9 Order deadlines as appropriate.

10 Dated this 19th day of November, 2010.

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13 Peggy A. Teen
United States Magistrate Judge